

1 representations. And I'm asking that this be stricken,
2 on condition that the other two references will also be
3 stricken when we get to them. And it may well be that
4 the cleaner way to do this is to wait until we get to
5 them, but I would -- I think you'd be authorized to do
6 it all now, assuming that the exhibits are going to be
7 offered.

8 MR. WINSTON: Your Honor, I think that there
9 are some inconsistencies which the witness can testify
10 to. And my concession to strike this is only to limit
11 the areas in which cross examination may be necessary.
12 To the extent that he's raised questions about other
13 exhibits, I would object to having portions of those
14 exhibits stricken. Right now, the only one I've
15 offered is number 1.

16 JUDGE LUTON: Well, there's no assurance that
17 the witness is going to have an opportunity to testify
18 with respect to the conflicts that Mr. Honig has
19 pointed out here. He isn't bound to examine about
20 those things. And you're not likely to have a chance
21 to straighten out this on direct, since we have your
22 direct case in writing.

23 I don't think examination is necessarily an
24 answer, maybe, but not necessarily. Secondly, if the
25 witness offers testimony which is inconsistent,

1 contradictory, incorrect, is that a ground for striking
2 it?

3 MR. HONIG: It is when there are --

4 JUDGE LUTON: And if so, why?

5 MR. HONIG: Usually, Your Honor, it wouldn't
6 be. The inconsistencies can simply be tested. Here,
7 however, it's direct case testimony which is intended
8 to be exchanged on a particular date and thus apprise
9 the other parties as of that date of what the
10 applicant's position was. That didn't occur. Before
11 this was exchanged, we had two different inconsistent
12 representations. We got two more on the exchange date
13 and one, which one purports to be the definitive
14 representation only a couple of days ago.

15 In light of that, because it's not properly
16 exchanged direct case testimony, I think it would have
17 to be stricken.

18 JUDGE LUTON: Well, it is. What do you mean,
19 it wasn't? What's incorrect about the exchange? It's
20 the information itself which you have some concerns
21 about. What's incorrect about the exchange? The
22 applicant's offering.

23 MR. HONIG: Some of it was offered. Some of
24 it was not.

25 JUDGE LUTON: You're talking about exhibit 4.

1 MR. HONIG: Exhibit 4 was not offered on
2 time.

3 JUDGE LUTON: Well, it seems to me that a
4 witness is free to sit up on the stand and contradict
5 him or herself or state inconsistencies, contradictions
6 or anything else. To the extent that a witness does
7 that, it does not provide a basis for a motion to
8 strike.

9 What it does constitute is a problem for that
10 witness when it's time -- at the conclusion of the
11 case, when it's time to write a decision in the case.
12 But to simply point out that the witness' testimony has
13 been inconsistent, I should think that would be
14 something that would be something that you'd like to
15 have going with you come decision time, as opposed to a
16 bunch of strikings now on what I consider to be dubious
17 bases.

18 Frankly, in my view, possibly inconsistent
19 testimony simply provides no solid basis on which to
20 strike testimony. The testimony stands. It can be
21 incorrect. It can be wrong, plain wrong. That's not a
22 reason for striking it.

23 But it ought to provide something for
24 proposed findings and for me to consider at the time
25 that I set about to write a decision in the case.

1 I don't think, Mr. Honig, that you've stated
2 grounds that are going to cause me to strike the
3 testimony, because it may be contradicted elsewhere, in
4 what is about to be offered. And indeed, what we're
5 already seen -- it may be a little different with
6 respect to the representations that were made in the
7 integration statement.

8 Now what was the representation there?

9 MR. HONIG: Well, this is that she had
10 resided within the 3.16 millivolt per meter since
11 February '85. Now, actually, Your Honor, it's correct.
12 What is being proposed amounts to a comparative down
13 grade from the integration statement, but it is a
14 comparative upgrade from the application, which simply
15 said --

16 JUDGE LUTON: I'm trying to follow that.

17 MR. HONIG: The application said --

18 JUDGE LUTON: All right, I'm assuming that
19 what you say is true. Then I'm trying to decide where
20 that leaves us, given the importance that is now
21 attached to integration statements and representations
22 that are made in them.

23 If what you say is true, we've got a
24 situation which a representation in the application is
25 contradicted by one which is made later in the

1 integration statement, is that what you're saying? At
2 least it's changed, it's different, it's -- the
3 integration statement would upgrade in this instance,
4 are you saying or would it downgrade? I'm not sure
5 that I follow that.

6 MR. HONIG: The integration statement
7 upgrades from the application.

8 JUDGE LUTON: From the application.

9 MR. HONIG: Even if the integration statement
10 had never happened, the direct case exhibit, at least
11 partially, upgrades from the application.

12 MR. WINSTON: I disagree with that
13 characterization, Your Honor.

14 JUDGE LUTON: Let me just hear Mr. Honig out.

15 MR. HONIG: The reason is that the
16 integration statement does not represent that the
17 applicant resided within any contour. It simply says
18 has resided in Jacksonville, Florida. And that's all.

19 Now, the applicant is representing, leaving
20 the integration statement entirely aside for a moment,
21 that she has resided within the one millivolt per meter
22 contour since February '85.

23 JUDGE LUTON: That would constitute an
24 upgrade.

25 MR. HONIG: That would constitute an upgrade,

1 especially since we have the integration statement
2 where the applicant presumably was on notice of the --

3 JUDGE LUTON: I thought you were leaving the
4 integration statement completely to the side for the
5 moment.

6 MR. HONIG: To the side, that's right.

7 JUDGE LUTON: So that the statement in the
8 application to the effect the witness resides in
9 Jacksonville, is that correct? Is that the
10 application? Are you saying it's the application
11 that -- I'm just trying to follow here.

12 MR. HONIG: The application just said
13 Jacksonville.

14 JUDGE LUTON: Jacksonville.

15 MR. HONIG: This says Jacksonville within the
16 one millivolt per meter contour since February '85.

17 JUDGE LUTON: All right.

18 MR. WINSTON: Your Honor, he's not read the
19 full sentence from the application. I know you want to
20 give me an opportunity, but I think he ought to at
21 least read the full sentence in the application.

22 MR. HONIG: Ms. Holt has resided within
23 Jacksonville, Florida since February '85 and will claim
24 service area local residence credit.

25 MR. WINSTON: I think, Your Honor, he can

1 continue.

2 MR. HONIG: That's the full sentence.

3 MR. WINSTON: That's fine. Go ahead with
4 your argument.

5 MR. HONIG: But it's unclear whether that
6 service area is a generic term, whether it refers to
7 going to move in the future or whether the reference is
8 intended to imply that there was current residence
9 within the service area.

10 JUDGE LUTON: I'm not going to strike any of
11 these representations. I think it's quite likely that
12 Northeast Florida is going to go into the wind up
13 stages here with some inconsistent representations on
14 the record, which -- it may not happen that way, but if
15 it should happen that way, it's going to affect an
16 aspect of this case that would be important to it.

17 But I come back to my basic point, Mr. Honig,
18 inconsistencies to not provide a basis for striking
19 testimony. Testimony can be inconsistent. That's why
20 we have judges to deal with it, to make decisions.

21 Motion to strike is denied.

22 MR. HONIG: Moving on, I accept Your Honor's
23 ruling, moving on to Paragraph 11 of exhibit 1, that
24 paragraph I object to on the same basis as I did the
25 first sentence. It is a --

1 JUDGE LUTON: All right. It's got the
2 interrupter in there that you don't like. It's
3 insulated, it's self serving, it may or may not be
4 true, it's argumentative and all of that. It's
5 unnecessary to the main thrust of the sentence and
6 therefore, it ought to be taken out.

7 Well, I don't want to feel as though I'm
8 sitting up here making little dinky corrections like
9 that. That isn't going to fool anybody, Mr. Honig.
10 I'm going to let that stand.

11 MR. HONIG: Okay. I have no other objections
12 to exhibit 1.

13 JUDGE LUTON: Anyone else object to 1, any
14 aspect of it?

15 One is received.

16 (The document heretofore
17 marked Northeast Florida
18 Exhibit No. 1 for
19 identification was received
20 into evidence.)

21 MR. WINSTON: Your Honor, I'd like to move
22 the admission of Northeast Florida exhibit number 2.

23 JUDGE LUTON: Two is offered. Are there any
24 objections to 2?

25 MR. HONIG: Your Honor, only inso -- well, I

1 have two. First --

2 JUDGE LUTON: Mr. Honig, you may also iterate
3 those same objections that you made before if you wish.
4 I assume that they're continuing all the way through.

5 MR. HONIG: Yes. That's correct. My
6 objection to Paragraph Three of exhibit 2 is the same
7 objection that I had stated previously, on which Your
8 Honor has already ruled.

9 Now, with respect to local and civic
10 activities, Paragraph Four, I'm not really sure what
11 the Commission's policy is, but maybe Your Honor can
12 enlighten me. I going to object based on the fact that
13 the new reform procedures, 6 FCC, Record 157, state
14 that -- it's worded integration statements and I'm
15 assuming that the Commission must have meant also
16 direct case testimony -- it specifies that civic
17 activities must be described according to a description
18 of the activities and their duration.

19 Here, for most of them, we just have a given
20 year. It's not specifically specific -- it's not
21 sufficiently specific whether we're talking about a one
22 date event or an event which occurred year round. But
23 I don't think it complies with what the new rules
24 require. I don't want to be a stickler.

25 JUDGE LUTON: That's all right. These

1 questions are going to rise more and more now that
2 we've gotten the rules.

3 MR. WINSTON: Do I need to respond, Your
4 Honor?

5 JUDGE LUTON: I don't know. Let me talk to
6 myself here for a moment. Mr. Honig, you and some
7 other parties, I think, just got a ruling in your favor
8 because of a determination made by me that the new
9 rules didn't affect what you had done there.

10 The new rules -- I'm talking about this
11 supplemental discovery request recently -- the new
12 rules, as you've just read there, do not explicitly
13 refer -- well, even implicitly refer to a direct case
14 testimony. It talks about integration statements.

15 MR. HONIG: Maybe the Commission just forgot.

16 JUDGE LUTON: It may be but we can't know for
17 sure. And since the Commission didn't specifically
18 mention direct case testimony, I'm unwilling to add to
19 what the Commission labored to say there.

20 Now, it's quite true, as you point out, that
21 the manner in which this testimony concerning civic
22 activities is structured, it leaves one to wonder.
23 It's really quite uninformative about the duration of
24 the participation or even the nature of the
25 participation.

1 Again, the party is certainly free to put on
2 a case that way. And in doing so, it does not give
3 rise to a sustainable objection. Having said that,
4 however, I must also say that it's my belief that it
5 doesn't help a great deal, doesn't help an applicant's
6 case a great deal to leave the decision-maker in doubt
7 about the weight he should give to these kinds of
8 listed activities when it comes time to put a decision
9 together.

10 UNC, Duval County Telefon Campaign, 1986-
11 1988, for example. If I heard no more about that
12 during the running of this case, I'd have a hard time
13 deciding what weight to give to it as a civic activity.

14 Mayor's Educational Council, 1988. What does
15 it mean? I don't know. I don't know. And if I don't
16 hear anymore about it when I'm writing a decision, I
17 still won't know. And yet, I'm charged with doing
18 something with it.

19 MR. WINSTON: Your Honor --

20 JUDGE LUTON: But, in any event, Mr. Honig,
21 it is not a grounds for striking. Denied.

22 MR. WINSTON: Let me say, Your Honor, that my
23 understanding of the Commission's procedures prior to
24 the new rules was that this was adequate information
25 for purposes or presenting information on civic

1 activities. It was information that was provided in
2 the integration statement. I suspect if we had
3 attempted to provide information as required under the
4 new rules, it was an upgrade from the integration
5 statement.

6 So I think that you can't have it both ways -
7 -

8 JUDGE LUTON: I don't want it both ways.
9 It's not my idea that the new rules have anything to do
10 with this. I wasn't expecting any kind of reference
11 here to the new rules. We've all certainly been doing
12 these things for years and we have seen fuller
13 statements that claim civic activities, sometimes even
14 the hours per week that a person spends on these
15 things.

16 It's got nothing to do with the new rules. I
17 don't want to have it both ways. I just want something
18 before me that I can understand. The motion to strike
19 is denied.

20 Any other objections?

21 MR. HONIG: One other objection. And that is
22 to Paragraph number six. I have to argue, Your Honor,
23 that this is a comparative upgrade, notwithstanding
24 the obviousness of the information. And if you'll
25 indulge me, the reason I'm making this request to

1 strike is that nowhere in the applicant's integration
2 diversification statement, is this claim made. The
3 distinction to be made here is not whether it is a
4 fact. We stipulate that.

5 But the reason for having an integration
6 statement is that applicants can timely and with
7 thoughtfulness make claims. You do not have to claim
8 every fact, however obvious. This applicant did not
9 make that claim until after presumably receiving other
10 applicant's integration statements, where, I think,
11 three of the other applicants made such a claim.

12 Then they intended to supplement. Now
13 they're putting it here. I think, as a matter of law,
14 it's been --

15 MR. WINSTON: Your Honor, can I --

16 JUDGE LUTON: You're talking about the
17 statement that says I am an Afro-American female.

18 MR. HONIG: That's right.

19 JUDGE LUTON: You never stated it for the
20 record. I wanted to make it clear. Yes, Mr. Winston?

21 MR. WINSTON: Your Honor, first of all, the
22 statement was made in the integration statement at the
23 time the application was filed. There's no element of
24 surprise here. It was made from day one.

25 Secondly, it's obvious a claim can not be

1 upgraded. Who Ms. Holt is who determined at her
2 conception, so there's no -- any suggestion that by
3 filing a correction -- as I recall, what happened was
4 the integration statement, the former integration
5 statement, was filed and this was omitted and a day or
6 two later, we filed a correction.

7 If Your Honor will look at that correction,
8 you will see the Mableton Broadcasting case, where the
9 Commission allowed information of hearing exhibits
10 where information had been omitted. And there was a
11 situation where there may have been a potential upgrade
12 because of the -- it was a statement about divestment
13 and integration activities and the Review Board said,
14 we're being hyper-technical. The information is
15 previously provided.

16 Here, the potential for upgrade is non-
17 existent.

18 MR. HONIG: May I respond, Your Honor?
19 Mableton, I think, is distinguishable because --

20 JUDGE LUTON: Let me see if I can catch up
21 with counsel here. Your position, Mr. Honig, is that -
22 - quite apart from the obvious fact of the matter,
23 since the claim was not made in the integration
24 statement, it's waived and ought not be allowed to be
25 made here at hearing.

1 MR. HONIG: That's right. Mr. Winston is
2 correct that we were not surprised about the fact. We
3 are --

4 JUDGE LUTON: Excuse me, let me finish.

5 MR. HONIG: I'm sorry, Your Honor.

6 JUDGE LUTON: Now, have we, in this business,
7 gotten to the point where the upgrades that we're
8 concerned about is the upgrading of the integration
9 statement or are we still concerned, as we used to be,
10 for many years, with representation made in the
11 application itself?

12 And as I understood Mr. Winston's point, it
13 was that the fact of the matter that Ms. Holt is an
14 Afro-American female, was plainly stated in the
15 application. My question is what is it that you claim
16 as being upgraded and if it's the integration
17 statement, why should that matter, so long as the claim
18 remains consistent with the application?

19 Or stated another way, would adoption of your
20 position elevate form or substance?

21 MR. HONIG: The answer is that the primary
22 function of an integration statement is to freeze
23 claims that are made. One does not have to claim
24 everything which is a fact. Applicants all the time
25 engage in activities which are evident or publicly

1 known, have attributes which are publicly known, but
2 they don't elect, for whatever reason, to claim them.

3 It is not entirely implausible that an
4 applicant might elect not to claim credit for something
5 which could benefit her. We have a Supreme Court
6 justice candidate who has elected to take the position
7 that he's not claiming credit for comparable
8 attributes.

9 It is unusual but it is not implausible.
10 What can not happen in an integration statement, what
11 is much more substance than form, is that an applicant
12 can not file claims, especially claims as to which the
13 applicant is certainly on obvious notice daily; then
14 wait for the other applicants to file their statements
15 and then correct. It may be or may not be that it was
16 an honest error.

17 The point is, if it was honest, it was
18 certainly an avoidable error and the applicant should
19 be held accountable as it would for any other unmade
20 claim.

21 JUDGE LUTON: Did you suggest somewhere in
22 there that an applicant ought not be permitted to stand
23 by other applicants as competitive by springing a
24 surprise on them or something?

25 MR. HONIG: By springing a surprise claim.

1 JUDGE LUTON: By springing a surprise claim,
2 not a surprise fact.

3 MR. HONIG: That's correct.

4 JUDGE LUTON: Because the fact was apparent
5 from the beginning, from the time the application was
6 filed. The factual representation was made. But you
7 claim lapse, so to speak, at the time the integration -
8 - well, lapse is not the right characterization. But
9 the claim is not reiterated at the time the integration
10 statement was filed.

11 And now the claim is stated again and it's
12 because of the gap of that --

13 MR. HONIG: That's right. The comparable, I
14 guess, principle that I can analogize this to is the
15 concept of a claim in civil litigation being time
16 barred.

17 For example, a wrongful death claim, even
18 where the parties do not disagree that the party was on
19 the air plane and was killed, if it's filed a day late,
20 that's unfortunate, but the estate was on notice, they
21 didn't file it on time, they're out of court.

22 Even facts that are evident to an applicant
23 can not, if not asserted on time, they're simply out of
24 luck. It is their duty to be diligent and the
25 principle that you spoke of and referred to, I think,

1 as the no sandbag rule is so essential to the operation
2 of this process, that I think all applicants have to
3 bear whatever consequences befall their failure to
4 observe it.

5 JUDGE LUTON: All right. And state for me
6 once again your view as what the function with the
7 integration statement is designed to serve.

8 MR. HONIG: It is designed --

9 JUDGE LUTON: And how those purposes have not
10 been served in this situation.

11 MR. HONIG: It is designed to allow the
12 parties, in effect, to blindfold one another, pass
13 their claims across the table to each other, have them
14 look at them and know that that is what they're
15 comparing themselves to and not have someone then say,
16 I dealt myself too small a hand, I want another card.

17 Even if the card is face up.

18 JUDGE LUTON: That's a seductive argument.

19 MR. WINSTON: Your Honor, I don't see -- I
20 fail to see the seductiveness of the argument. There
21 is no suggestion here that anybody was surprised to
22 learn that Ms. Holt is an African-American female. It
23 was in the original application, it's not a fact that
24 can be changed or be manipulated for gamesmanship
25 purposes.

1 Whether someone's going to work 40 hours or
2 30 hours or 20 hours or if someone's going to divest,
3 someone's going to engage in non-broadcast activities
4 and broadcast activities, et cetera, those are things
5 that suggest gamesmanship, those are things that the
6 Commission says we want to stop the game.

7 When the Commission said we want to lock in
8 integration proposals, they specifically said we want
9 to stop the gamesmanship and those things that are
10 subjected to gamesmanship. Someone who wasn't going to
11 work at the station and finds out his competitors are
12 says okay, I'll work at the station, too.

13 Those are the kind of things that can be
14 manipulated. Who Ms. Holt is can not be manipulated.
15 It was known, if it was put in the original application
16 to suggest that there is some gamesmanship being played
17 or there is some reason why we intentionally didn't
18 tell the other parties, is in my view, Your Honor,
19 absurd.

20 JUDGE LUTON: All right. You make a fine
21 argument also, Mr. Winston. It's basically that there
22 is no surprise here. Mr. Honig's argument proceeds on
23 the proposition that the matter of surprise is quite
24 irrelevant.

25 MR. HONIG: If I could just add one very

1 brief sentence. It is a interesting thought that
2 perhaps there are categories of claims which are
3 manipulable and those that are none manipulable. I
4 think that's what Mr. Winston's saying and I'll
5 conceded that.

6 But the Commission didn't make reference to
7 distinguishing between one or another type of claims.
8 It simply made reference to the notion that integration
9 statements are locked in because of gamesmanship and I
10 think that the policy decision on whether that policy
11 is to be modified to say that there are good claims and
12 bad claims is a decision that only the Commission can
13 make. At this stage it has to be stricken.

14 MR. WINSTON: Your Honor, I don't read that
15 into anything the Commission has said about integration
16 statements. I refer Your Honor again to the
17 communications case which is the only case right now
18 that remotely addresses this issue. And there there
19 was clearly an opportunity for gamesmanship. And the
20 Review Board said that claims about someone divested of
21 interest, although they forgot to put it in the direct
22 case exhibit, it's hyper-technical to say that they
23 were now upgrading.

24 And if the Review Board's position is thus
25 with respect to matters that could be manipulated, I

1 don't see how you can read into that case and say that
2 the matters that can not be manipulated must be
3 stricken. Especially -- it's not an insignificant
4 matter. To take that kind of -- Commission's case law,
5 I think, is totally inappropriate.

6 MR. HALAGAO: Your Honor, can I make a
7 statement? I would support Mr. Honig's position,
8 because I would believe that integration statement is a
9 very important document where you should put in all the
10 comparative enhancement that you have. And I remember
11 in some cases that we have read, including residency,
12 you have to allege that also in the integration
13 statement, whether you are going to move to the area or
14 not.

15 So I think it would be the same situation
16 here. If you are a minority female, I think you have
17 to allege that in your integration statement. And if
18 you did not, it's too bad.

19 MR. HONIG: If I may, Your Honor, I can
20 analogize this to the case where an applicant doesn't
21 file an integration statement at all until three or
22 four or five days late. In this instance, there would
23 be no doubt that whatever was filed late would be
24 stricken.

25 Here, however, there's an even stronger case

1 for striking, because something was filed with
2 deliberation and thought, which didn't contain it. We
3 certainly would not give credit for a two-day late
4 statement, which said only the applicant's race and
5 ethnicity. So there's even less reason to give credit
6 for when there was an opportunity to say it in a
7 document that was filed on time, but that opportunity
8 was declined.

9 MR. WINSTON: Your Honor, I think when a late
10 filed integration statement will be stricken is a
11 matter of case by case analysis. It's obvious that
12 late filed integration statements have been accepted in
13 certain cases. And I don't see that sometimes
14 integration statements that are filed late may be
15 stricken.

16 The limited information here, which was
17 omitted inadvertently, should not be stricken in this
18 case.

19 JUDGE LUTON: What is the citation to the
20 Mableton proceeding that you've referenced a few times,
21 Mr. Winston? Is this the Review Board's most recent
22 pronouncement in Mableton?

23 MR. WINSTON: Yes, Your Honor.

24 JUDGE LUTON: All right. Then I think I am
25 very close to it. I can find it. And state for me

1 again the principle of Mableton that you think applies
2 here.

3 MR. WINSTON: In Mableton, Your Honor, the
4 Review Board -- the facts were that an applicant filed
5 direct case exhibits for the hearing. And the direct
6 case exhibits failed to state that the applicant, one
7 of the principals of the applicant would work full-time
8 at the proposed station. I believe it was also to
9 refer to the fact that that principal would terminate
10 employment at another broadcast facility, if I remember
11 correctly.

12 And the Review Board ruled that it was a
13 hyper-technical reading of the Commission's
14 requirements to hold that that inadvertent omission,
15 when the information had previously been provided in an
16 integration statement, was the kind of thing that
17 should be -- prevent the applicant from being able to
18 present a corrected hearing exhibit.

19 And in that case, the Review Board ruled that
20 the corrected hearing exhibit could be accepted in
21 spite of the Judge's ruling to the contrary.

22 JUDGE LUTON: All right.

23 MR. WINSTON: And the citation, Your Honor,
24 if you wish, was 5 FCC Record 6314 at 6324, note 13,
25 Review Board 1990.

1 JUDGE LUTON: Note what?

2 MR. WINSTON: Note 13.

3 JUDGE LUTON: All right. That's a case in
4 which something was omitted from the direct case
5 exhibits as I heard it.

6 MR. WINSTON: Yes, Your Honor.

7 JUDGE LUTON: What we've got here is
8 something added to the direct case exhibits. It
9 wouldn't compare to what was stated in the integration
10 statement. Not the same. But I'm going to take a look
11 at Mableton. What I'm going to do is reserve ruling
12 and give myself an opportunity to think about this some
13 more and see what I can find and see what I can learn
14 about it.

15 But the objection is noted and the ruling is
16 reserved.

17 MR. WINSTON: Your Honor, I think that I have
18 the page citation, the case citation is right, the
19 citation to their discussion may be --

20 JUDGE LUTON: That's close enough for me.
21 I'm going to reserve ruling.

22 I'd like to take a luncheon recess, but I'd
23 also like to get through the remaining exhibits, if we
24 can do it in a very short time.

25 We got hung up on two. Are there additional

1 objections to two, Mr. Honig?

2 MR. HONIG: I don't believe -- no, there
3 aren't.

4 JUDGE LUTON: You don't have to tell me what
5 they are, if you have them, but do you have objections
6 to 3 and 4?

7 MR. HONIG: My only objection to three is
8 that the Bylaws are unsigned and I don't know whether
9 we have a complete copy, because there is no signature
10 page.

11 MR. WINSTON: If you look at the declaration.

12 JUDGE LUTON: Declaration executed by Ms.
13 Holt.

14 MR. WINSTON: Paragraph 2.

15 MR. HONIG: On counsel's representation that
16 there is no signature page and this is a complete
17 document, then I have no objection.

18 JUDGE LUTON: All right. I'm proceeding on
19 those representations as well in receiving three.

20 (The document heretofore
21 marked Northeast Florida
22 Exhibit No. 3 for
23 identification was received
24 into evidence.)

25 JUDGE LUTON: Now four are the maps which